

## **Prohibition of Sexual Harassment of women at workplace**

### **1.0 Objectives :**

- 1.1 To foster a professional, open and trusting workplace.
- 1.2 To be Equal Employment Opportunity provider by not discriminating the employees on the ground of gender and providing a safe working environment to all its employees.
- 1.3 To prohibit, prevent or deter the commission of acts of sexual harassments at workplace.
- 1.4 To lay down a procedure for equal rights and dealing with sexual harassment.
- 1.5 To abide by guidelines on Sexual Harassment at Workplace Bill, 2010 approved by Government of India on 4<sup>th</sup> November 2010, for providing protection of women employees from sexual harassment at workplace.

### **2.0 Scope :**

- 2.1 This policy extends to all the employees, workers and trainees [whether in the office premises or outside while on assignment] of the Company including its subsidiaries. Where a sexual harassment occurs to an employee as a result of an act by a third party or outsider while on official duty, the Company will take all necessary and reasonable steps to assist the affected person in terms of support and preventive action.

### **3.0 Definitions :**

- 3.1 Sexual harassment would and include any or all of the following :
  - 3.1.1 Unwelcome sexually determined behavior, physical contact, advances, sexually coloured remarks, showing pornography, sexual demand, request for sexual favours or any other unwelcome conduct of sexual nature whether verbal, textual, physical, graphic or electronic or by any other actions, lurid stares, molestation, stalking, sound, signs, non-verbal communication, eve teasing, innuendos and taunts, vulgar, kidding or demeaning language, any such actions which may include, but is not limited to –
    - (i) Implied or overt promise of preferential treatment in employment; or
    - (ii) Implied or overt threat of detrimental treatment in employment; or

- (iii) Implied or overt threat about the present or future employment status;
  - (iv) Conduct which interferes with work or creates an intimidating or offensive or hostile work environment; or
  - (v) Humiliating conduct constituting health and safety problems.
- 3.2 "Employee" means a person employed at a workplace for any work on regular, temporary, adhoc or daily wage basis, either directly or by or through an agent, including a contractor, with or without the knowledge of the principal employer, whether for remuneration or not, or working on a voluntary basis or otherwise, whether the terms of employment are express or implied and includes a domestic worker, a co-worker, a contract worker, probationer, trainee, apprentice or by any other name called;
- 3.3 "Workplace" means office, company premises, business parties, company celebration (including get-to-gather) , transit house, guest house, official hotel stay, or any other such place, vehicle .i.e. official tour either by air, land, rail or sea visited by the employee arising out if, or during and in the course of , employment.
- 3.4 "Complainant" is a woman employee who has suffered from the sexual harassment as defined in section (3.1)
- 3.5 "Respondent" is an accuser who has been accused by the complainant of sexual harassment as defined in section (3.1).

#### **4.0 Principles and Guidelines :**

- 4.1 The Company wants to have a work environment free of sexual harassment by management personnel, coworkers and others with whom an employee interact in the course of his/her work as a company employee.
- 4.2 The company will not tolerate or allow any kind of sexual harassment by any employee as it is emotionally abusive and creates an unhealthy, unproductive atmosphere at the workplace
- 4.3 Any complaint or report of sexual harassment shall be treated promptly, seriously and sympathetically. It will be investigated thoroughly and impartially.
- 4.4 Secrecy and confidentiality shall be maintained so as not to harm or affect adversely the social status of interested parties.

## **5.0 Constitution of Committees :**

- 5.1 An Internal Complaints Committee has been constituted as per the guidelines on Sexual Harassment at Workplace Bill, 2010.
- 5.2 The Committee shall consist of following members:-
- A Chairperson, from amongst employees, who shall be a senior level woman, committed to the cause of women.
  - Not less than two members from amongst employees committed to the cause of women.
- 5.3 Provided that at least fifty percent of the members so nominated shall be women.
- 5.4 Annexure 1 provides the details on the members of committee at each respective location.
- 5.5 The committee shall carry out detailed enquiry into the complaint and follow the model process adhering the law of natural justice i.e. opportunity provided to victim and accused to prove/defend his/her case, fairness in proceedings, counseling, unbiased approach, etc.
- 5.6 The victim and / or the accused shall not be disadvantaged in his / her employment conditions or career opportunity, during the course of enquiry / investigation.

## **6.0 Complaint Procedure :**

- 6.1 Any employee who feels and being sexually harassed may submit the alleged incident to any member of the Committee within 10 days. Any complaint which is not received within the stipulated period shall not be entertained, unless such complaint is submitted with proper justification of late reporting.
- 6.2 An employee can verbally inform any committee member, followed by written statement OR she / he can write to the committee on confidential mail id ([complaint@zyduscadila.com](mailto:complaint@zyduscadila.com)) OR she / he can inform to the immediate superior.
- 6.3 Provided that where such complaint cannot be made in writing, the Chairperson or any member of the Committee, as the case may be, shall render all reasonable assistance to the woman making the complaint to reduce the same in writing.

- 6.4 Where the aggrieved woman is not able to make a complaint on account of her physical or mental incapacity or death or otherwise, her legal heir or Family Members may make a complaint under this section.
- 6.5 Any other employee also can register a complaint of such incident if s/he would learn that such incident has been happening / happened with her fellow employee. [S/he may blow the whistle of such happening.]

## **7.0 Enquiry / Redressal Procedure**

- 7.1 The committee will hold meeting with the complainant within 5 days from receipt of the complaint. The committee shall ensure that a fair and just investigation shall be undertaken immediately.
- 7.2 The person accused will be informed that a complaint has been filed against him and no unfair act of retaliation or unethical action will be tolerated
- 7.3 At the request of the aggrieved complainant the Committee, as the case may be, may, before initiating enquiry under this Policy, take steps to settle the matter between her and the respondent through conciliation.
- 7.4 Where a settlement is arrived at under sub-section (7.3), the Committee, as the case may be, shall record the settlement and recommend to the higher authority to take action as prescribed in the reconciliation statement
- 7.5 The Committee, as the case may be, shall provide the copies of the settlement recorded under sub-section (7.4) to the aggrieved complainant and the respondent
- 7.6 Where a settlement is arrived at under sub-section (7.3), no further enquiry shall be conducted by the Committee, as the case may be
- 7.7 However, where the conciliation under sub-section (7.3) is not arrived, the Committee, as the case may be, shall, proceed to make the enquiry
- 7.8 Provided that where the aggrieved complainant informs the Committee, as the case may be, that any term or condition of the conciliation arrived at under sub-section (7.3) has not been complied with by the respondent, the Committee shall also proceed to make inquiry into the complaint
- 7.9 The Committee, as the case may be, shall have such powers for the purpose of making enquiry under sub-section (7.7).

- 7.10 The enquiry under sub-section (7.7) shall be completed within a period of ninety days.
- 7.11 Both the complainant and accused initially will be questioned separately with a view to ascertain the veracity of their contentions. If required, the person who has been named as witness will be needed to provide necessary information to assist in resolving the matter satisfactorily.
- 7.12 The committee may pass any interim order / relief / decision as deemed fit and shall be binding to all parties till the investigation completed.
- 7.13 During the pendency of enquiry, on a written request made by the complainant, the Committee, as the case may be, may recommend to -  
(a) transfer the complainant or the respondent to any other workplace;  
or (b) grant leave to the complainant; or (c) grant to the complainant any other relief, as may be deemed fit by the Committee.
- 7.14 The findings shall be then submitted to Head - HR along with recommended action, if any. The complainant and accused shall be informed of the outcome of the investigation.
- 7.15 In the event, a complaint does not fall under the purview of sexual harassment or the complaint does not mean an offence of sexual harassment, the same would be dropped after proper recording of the reasons thereof.
- 7.16 In case the complaint is found to be false, the complainant shall, if deemed fit, be liable for disciplinary action by the management.

## **8.0 Disciplinary Action**

- 8.1 The report of the Committee shall be treated as final and on the basis of which an erring employee can be awarded appropriate punishment straightaway.
- 8.2 Head - HR will direct the appropriate action in accordance with the recommendations proposed by the Committee which may encompass.
  - 8.2.1 Mutual settlement
  - 8.2.2 Apology (written / verbal)
  - 8.2.3 Bond of Good Conduct
  - 8.2.4 Advisory notice / Warning Notice
  - 8.2.5 Transfer
  - 8.2.6 Holding annual increment / advancement (applicable for 1<sup>st</sup> year only)
  - 8.2.7 Demotion
  - 8.2.8 Suspend the respondent for the period not exceeding 15 days

8.2.9 Termination of service

- (a) Direct the respondent to pay such sum of compensation to the complainant or to legal heirs, as it may be determined, in accordance with the provisions as given below in (a.1); provided that recovery from pay/salary/wages, in no case, shall exceed one fourth of the salary/wages earned in that month;
  - (a.1) For the purpose of determining the compensation to be paid to complainant under clause (a) the committee shall have regard to:
    - the mental trauma, pain, suffering and emotional distress caused to the complainant;
    - the loss in the career opportunity due to the incident of sexual harassment;
    - medical expenses incurred by the victim for physical or psychiatric treatment;
    - the income and financial status of the respondent;
    - Feasibility of such payment in lump sum or in installments.

8.2.10 Criminal proceedings will be initiated if warranted.

- 8.3 In the event the Committee finds that the complaint is false, it will be recommended for further investigation. This may be to determine whether the false complaint was mal-intended or frivolous. Based on the findings thereof, any or all of the actions may be taken against the employee making such a complaint
- 8.4 Also if it is revealed during the investigation that any forged or misleading document was produced by either complainant or respondent, the disciplinary action will be taken as the case may be
- 8.5 If an employee further commits such misconduct, his / her services may be terminated immediately
- 8.6 The employees who are victims of sexual harassment may, in addition to the above, seek legal remedies as may be provided under various laws for the time being in force

**9.0 Documentation**

- 9.1 The committee shall keep complete and accurate documentation of the complaint, proceedings and the resolution thereof
- 9.2 The incident would be documented in both complainant's and accuser's personal file with full report of the Committee

**10.0 Confidentiality**

10.1 The complainant, accused, witnesses and any other person involved during the enquiry proceedings need to maintain confidentiality.

10.2 All information, material evidences any other reports / documents shall be kept utmost confidential & secrete. Any person, including witnesses, who breaches confidentiality, shall be subject to strict disciplinary action.

**11.0** The Management reserves the right to amend, alter and modify this policy at its sole discretion without any prior notice

**ANNEXURE 1:**

Location	Chairperson	Member 2 (Representative from NGO)	Member 3	Member 4	Member 5	Member 6
Zydus Tower	Neetu Wadhawan		Ishita Jhala	Ms. Mehzabeen Rangwala	Vikram sinh Mahida	J.B. Gor
Zydus Research Center	Neetu Wadhawan		Kruti Shah	Preeti Vyas	Dr. Kumar K. Singh	Ashish Gupte
Moraiya Plant	Neetu Wadhawan		Shreya Shah	Aruna Sharma	Gaurav Datta	Ajay Trivedi
PTC-Ahmedabad	Neetu Wadhawan		Dr. Beena Moothan	Ms. Debjani singh	Sushrut Kulkarni	Nitendra Patel
PTC-Thane	Neetu Wadhawan		Ms. Sandhya Shenoy	Ms. Tina D'costa	Asawari Chandurkar	Mahesh Wadgeri
Sikkim	Neetu Wadhawan		Ms. Sabika Rai	Ms. Charulata Sharma	Major (Retd.) Ajit Singh	Sudipta Paul
Baddi	Neetu Wadhawan		Ms. Amita Mehta	Ms. Smita S. Rana	Rajesh Sharma	Arun Tandon

**Note for all other locations:**

Chairperson and 2 other lady members will be pooled to create a committee from time to time.